Basis for added claims 49 and 61 can be found, e.g., in Figures 1-4 and 14 and in the specification in the paragraphs beginning at column 2, line 61; column 4, line 37; column 5, line 38; column 5, line 45; and column 7, line 41.

Support for claims 50, 57, 62, and 63 can be found, e.g., in the paragraphs beginning at column 2, line 61 and column 5, line 61.

Support for claim 51 can be found, e.g., in the paragraph beginning at column 5, line 45.

Support for claim 52 can be found, e.g., in the paragraph beginning at column 5, line 14.

Basis for claim 53 can be found, e.g., in the paragraph beginning at column 5, line 61.

Support for claim 54 can be found, e.g., in the paragraph beginning at column 6, line 15.

Basis for claims 55-56 and 64-68 can be found, e.g., in the paragraph beginning at column 4, line 57.

Support for claims 58-59 can be found, e.g., in the paragraph beginning at column 5, line 14.

Basis for claim 61, can be found, e.g., in the paragraph beginning at column 4, line 28.

Basis for claims 69-70 can be found, e.g., in the paragraphs beginning at column 4, line 37 and column 4, line 57.

No new matter has been added by the added claims.

Restriction Requirement

Restriction was required to one of the asserted inventions under 35 U.S.C. § 121. In paragraph 1 of the Office Action, three separate inventions were asserted with respect to the pending claims:

I. Claims 16-34 drawn to a ventilator, class 454, subclass 365;

II. Claims 35-39 drawn to a method of ventilating a building attic, class 52, subclass 747.1; and

III. Claims 40-48 drawn to a method of forming a ventilator, class 29, subclass 897.3.

Citing 37 C.F.R. § 1.176 and M.P.E.P. § 1450 and asserting the Applicant has received an action on the merits of the originally presented invention, the Office Action stated that this invention has been constructively elected by original presentation within the original application

for prosecution on the merits, the Office Action withdrawing claims 35-48 from consideration as directed to a non-elected invention.

Applicant respectfully traverses the restriction requirement because the Office Action has not shown that examination of all pending claims would impose an undue burden on the Examiner. Because examination of all pending claims would not impose an undue burden on the Examiner, reconsideration and withdrawal of the restriction requirement is respectfully requested.

Added claims 49-60 are believed to read on the asserted Invention I and added claims 61-70 are believed to read on the asserted Invention III. Maintaining the traversal as stated above, Applicant elects with traverse to prosecute newly added claims 49-60.

Applicant also reserves the right to rejoinder of non-elected claims under M.P.E.P. § 821.04, if Applicant elects to amend the non-elected process claims to include all the limitations of the allowable product claims.

Specification

The Specification was objected to under 37 C.F.R. §1.77(a) as failing to include a cross reference to the other reissue applications in the first sentence of the specification. Applicant believes that the required amendment to the specification was present in the letter of transmittal accompanying the present application filing.

The Office Action further required a certificate of correction to issued U.S. Patent RE37,388. Applicant has filed a request for a Certificate of Correction to U.S. Patent RE37,388, a copy of the request enclosed herein.

35 U.S.C. § 251 and 37 C.F.R. § 1.175

Paragraph 9 of the Office Action rejected claims 16-34 under 35 U.S.C. § 251 and 37 C.F.R. § 1.175 as based upon a defective reissue declaration. Paragraph 8 of the Office Action asserted a defective reissue oath/declaration because none of the errors relied upon to support the reissue application are errors upon which a reissue can be based. Applicants submit herewith a

Supplemental Declaration and Assignee Consent, which recite an error supporting the present reissue application and respectfully request withdrawal of the rejection.

35 U.S.C. § 112

In paragraph 10, claims 16-34 are rejected under 35 U.S.C § 112, ¶ 2 as indefinite, the rejection asserting "each said ventilator section" in lines 4 and 10 of claim 16 to be without antecedent basis. Claim 16 has been amended to recite "each said at least one ventilator section," which has antecedent basis in each instance. The other rejected claims depend directly or indirectly from claim 16. Because the other rejected claims depend directly or indirectly from claim 16 and because no other rejections are specific to the other rejected claims, all pending claims are felt to be not indefinite and withdrawal of this rejection is respectfully requested.

Applicant has amended certain claims solely to advance prosecution of this Application and to obtain allowance on allowable claims at the earliest possible date. Therefore, no admission may be inferred by the amendments to the claims herein and Applicant reserves the right to prosecute originally filed claims in later continuing applications. No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In view of the amendments to the claims, Applicant believes that this Application is now in condition for allowance. If the Examiner feels that contacting the Applicant's Attorney via telephone would advance the prosecution of this case, the Examiner is invited to call the number given below.

Respectfully submitted,

Wm. Larry Alexander
Registration No. 37,269

Customer No. 24113

Attorney Docket: 1915.14US03

Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5757

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Wm Larry Alexander
Wm. Larry Alexander

ATTACHMENT
REDLINED AMENDMENT

Please amend the application as indicated below.

In the Claims

Please amend the claims as indicated, amendments being marked by double underlining.

16. (Once Amended) A roof ventilator, comprising:

a top panel; and

at least one ventilator section comprising a ventilator first panel,

each said at least one ventilator section configured for parallel abutting contact with the top panel,

the top panel and each said ventilator first panel comprising first and second planar plies and an intermediate ply disposed between the first and second planar plies such that the first and second planar plies and intermediate ply define air passages extending generally transversely to a roof ventilator longitudinal axis,

each said at least one ventilator section and the top panel defining a ventilator interior region and a ventilator exterior region surrounding the roof ventilator,

the top panel defining a recessed area in which the top panel first planar ply and at least a portion of the top panel intermediate ply have been removed, the recessed area being generally arcuate in cross section and exposing at least a portion of the air passages in the top panel such that the ventilator interior region is in fluid communication with the ventilator exterior region through the recessed area and the air passages.

Please add new claims 49-70 as follows.

49. (New) A ventilator for a roof peak, comprising first and second ventilator sections generally symmetrically extending outboard from a substantially longitudinal center line, each of said first and second ventilator sections comprising at least one layer, the at least one layer

defining a multiplicity of air passages and a plurality of apertures, each of said air passages conducting air from inside the roof peak to outside the roof peak, each of said apertures extending generally transversely with respect to the multiplicity of air passages, each of said apertures further extending substantially through said at least one layer.

50. (New) The ventilator of claim 49, in which each of said first and second ventilator sections comprises a first layer and a second layer, the first and second layers being in a stacked relationship.

51. (New) The ventilator of claim 50, in which each of said pluralities of first layer apertures is generally aligned with a corresponding one of said second layer apertures.

52. (New) The ventilator of claim 51, in which the first and second layers are longitudinally interconnected.

53. (New) The ventilator of claim 49, in which a portion of said multiplicity of air passages is interrupted by said plurality of apertures.

54. (New) The ventilator of claim 49, in which substantially all of said multiplicity of air passages is interrupted by said plurality of apertures.

55. (New) The ventilator of claim 54, in which said multiplicity of air passages are defined by a corrugated sheet material.

56. (New) The ventilator of claim 55, in which the corrugated sheet material comprises plastic.

57. (New) The ventilator of claim 56, in which each of said first and second ventilator sections comprises a plurality of interconnected ventilator section layers.

58. (New) The ventilator of claim 57, in which each said plurality of interconnected ventilator sections are interconnected by slit-scoring.

59. (New) The ventilator of claim 57, in which each said plurality of interconnected ventilator sections are interconnected by nick-scoring.

60. (New) A roof comprising the ventilator of claim 49 operationally present at a peak of said roof.

61. (New) A process of forming a ventilator for a peak of a roof, comprising forming a pair of ventilator sections extending generally symmetrically from a ventilator centerline, each of said pair of ventilator sections comprising a multiplicity of air passages conveying air from inside the roof peak to outside the roof peak, each of said pair of ventilator sections further comprising a plurality of apertures, a portion of said multiplicity of air passages interrupted by said plurality of apertures, each of said apertures extending substantially transversely with respect to said multiplicity of air passages.

62. (New) The process of claim 61, in which each of said pair of ventilator sections comprises a first ventilator section layer and a second ventilator section layer and in which said first and second ventilator section layers are formed so that each of said plurality of apertures formed in the first ventilator section layer aligns with one of said plurality of vent apertures formed in the second ventilator section layer.

63. (New) The process of claim 61, in which each of said pair of ventilator sections comprises a plurality of longitudinally interconnected ventilator section layers and in which forming said pair of ventilator sections comprises disposing said ventilator section layers in a stacked relationship.

64. (New) The process of claim 63, in which each of said pair of ventilator sections is formed from a blank of corrugated material.

65. (New) The process of claim 63, in which each of said pair of ventilator sections is formed from a blank of double-faced corrugated plastic material.

66. (New) The process of claim 61, in which each of said pair of ventilator sections is formed from a blank of corrugated material.

67. (New) The process of claim 61, in which each of said pair of ventilator sections is formed from a blank, said blank comprising a corrugated ply disposed between a pair of generally planar plies.

68. (New) The process of claim 61, in which each of said pair of ventilator sections is formed from a blank of double-faced corrugated plastic material.

69. (New) The process of claim 61, in which said multiplicity of air passages extend generally perpendicularly to said ventilator centerline.

70. (New) The process of claim 69, in which said multiplicity of air passages are generally parallel.